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OFFICE OF PETITIONS

In re Application of :
Williams et al. : DECISION ON PETITION
Application No. 10/767,680 :
Filed: 28 January, 2004 :
Attorney Docket No. AAT007-5C US :

This is a decision on the petition filed on 1 July, 2004, which is treated as a petition requesting that the "Notice" mailed on 18 June, 2004, be withdrawn.

The petition is granted in part.

On 28 January, 2004, the application was filed. On 18 June, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application stating, *inter alia*, that Figures 16A, 170, and 18H described in the specification appeared to have been omitted.

In response, on 1 July, 2004, the present petition and a copy of drawing sheets 60 and 219 containing Figures 16A and 18H, respectively were filed. Petitioner argues that the drawing sheets containing Figures 16A and 18H were filed with the other application papers on 28 January, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 01/28/04, the above-identified application number, and identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, "Drawings (219 sheets)". Petitioner requests that the application, including the drawing sheets containing Figures 16A and 18H Pages 1-4 of the specification, be accorded a filing date of 4 August, 2003. Petitioners further concede that no Figure 170 was actually filed because of a concern of confusion with the number "170".

A review of the record reveals that no sheets of drawings containing Figures 16A, 170, and 18H have been located among the application papers received on 28 January, 2004. However, the evidence is convincing that the application papers deposited on 28 January, 2004, included two sheets of drawings containing Figures 16A and 18H described in the specification, which were subsequently misplaced in the Office. Therefore, the application, including two sheets of drawings containing Figures 16A and 18H, is entitled to a filing date of 28 January, 2004.

With regard to Figure 170, the Notice mailed on 18 June, 2004, was correct in stating that Figure 170 appeared to have been omitted. As such, the Notice will not be vacated with respect to Figure 170.

In view of the above, the petition is granted to the extent indicated. The petition fee of \$130.00 will be credited to counsel's deposit account, No. 50-2263.

The application will be processed with the copy of the sheets of drawings containing Figures 16A and 18H supplied on 1 July, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 28 January, 2004, using the application papers filed on that date, and the copy of two sheets of drawings containing Figures 16A and 18H described in the specification supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
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